

Chapter 3.00

ENVIRONMENTAL PERFORMANCE STANDARDS FOR B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT B-5 PLANNED REGIONAL BUSINESS DISTRICT I-2 INDUSTRIAL PARK DISTRICT I-3 EMPLOYMENT CENTER DISTRICT O-3 OFFICE PARK DISTRICT

*The Planning Department is assigned responsibility
for administration of these design standards.*

Section 1. PURPOSE OF ENVIRONMENTAL PERFORMANCE STANDARDS

The purpose of establishing and applying environmental performance standards in the B-2 Planned Neighborhood Business District, B-5 Planned Regional Business District, I-2 Industrial Park District, I-3 Employment Center District and O-3 Office Park District (hereinafter referred to as the "Districts") is to allow potential environmental nuisances to be measured factually and objectively and thus to ensure uses in the District will not cause hazards and nuisances to the adjacent areas by processes of control and nuisance elimination.

Section 2. APPLICATION OF STANDARDS

After the effective date as established in the City Council Resolution No. A-66456 any uses established in these Districts shall comply with all the environmental performance standards herein set forth. If any existing uses are extended, enlarged, moved, structurally altered or reconstructed, the standards shall apply with respect to such extended, enlarged, moved structurally altered or reconstructed uses.

Section 3. ADMINISTRATION OF STANDARDS

The Building Official of the Department of Building and Safety (hereinafter referred to as "Building Official") shall have the overall responsibility in enforcing all environmental performance standards herein set forth, including periodic conformance check of the uses, acting upon complaint, and making a determination as to compliance or non-compliance with such standards within these Districts. Upon request by the Building Official, the Director of the Lincoln-Lancaster County Health Department, or his representatives, agents and employees, shall be responsible for conformance check of the uses relative to performance standards for noise, emission, dust and odor and representatives, agents or employees of Lincoln Electric System shall be responsible for conformance check of the uses relative to Performance Standards for Outdoor Night Time Lighting and shall report pertinent findings to the Building Official for his consideration.

Section 4. BUILDING OFFICIAL'S ACTION

Within thirty (30) days following his periodic performance check or receipt of the reports of expert consultants, the Building Official shall make a determination as to compliance or non-compliance with the performance standards. If the Building Official determines that the uses are not in compliance, he shall give written notice to the owner of said uses of such determination. Within sixty (60) days following receipt of the Building Official's written notice, the owner of said uses shall take necessary steps, such as modification or alterations in the existing construction or the operational procedures, to bring the uses into compliance with the performance standards. However, the Building Official may grant an extension of time, if he deems such extension warranted in the circumstances of the case and if such extension will not cause eminent peril to life, health or property.

Section 5. CANCELLATION OF USE PERMITS

If, after the conclusion of the time granted for compliance with the performance standards, the Building Official finds the violation is still in existence, any use permits previously issued shall be revoked and the operation shall be ceased until the violation is remedied.

Section 6. PERFORMANCE STANDARDS FOR NOISE

No person shall operate, cause to operate or allow to operate any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following Table. All measurements shall be taken at or within the property boundary of the receiving land use with a sound level meter which meets the specifications of the American National Standards Institute (or any standard making body replacing ANSI) for a Type II general purpose sound level meter, its equivalent or better. The A-weighted, slow response shall be used.

Sound Levels by Receiving Land Use

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Maximum One-Hour Leq (dB)</u>
Residential	7:00 am - 10:00 pm	65
	10:00 pm - 7:00 am	55
Commercial Business	at all times	70
Industry/Manufacturing	at all times	75

The following uses and activities shall be exempt from the above noise level regulations:

- (a) Noises not directly under the control of the property owner
- (b) Noises emanating from construction and maintenance activities between 7:00 am and 7:00 pm.
- (c) The noises of safety signals, warning devices and emergency pressure relief valves.

Definition of Leq: EQUIVALENT A-WEIGHTED SOUND LEVEL (Leq) - The constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and it accurately portrays the sound the human ear actually hears.

Section 7. PERFORMANCE STANDARDS FOR EMISSION, DUST AND ODOR

The existing City Ordinances, Regulations and Standards relating to emission, dust and odor shall apply to all uses in B-2, B-5, I-2, I-3 and O-3 Districts. Such ordinances include Lincoln Municipal Code, Chapter 8.06, Section 8.06.130 Odor Nuisances Prohibited, 8.06.140 Open Burning, and 8.06.150 Air Pollution Nuisances Prohibited.

Section 8. PERFORMANCE STANDARDS FOR OUTDOOR NIGHT TIME LIGHTING

8.1 Standards

Lighting in areas such as parking lots, outdoor storage facilities and the general landscape shall be conducted so that the light source is directed away from residential use areas and public streets, or shall be controlled so that the candlepower per 1000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above vertical angle at 78 degrees above nadir or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above 78 vertical angle.

Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts on facades shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.

If street and walkways used by the public for night time transit are lighted, they shall be lighted in conformance with City of Lincoln standards for residential ornamental street lighting. (15 average maintained horizontal foot candles; average to minimum uniformity ratio not greater than 10:1)

Illumination contributable to any outdoor lighting shall be conducted in such a manner that direct or indirect illumination from the source shall not exceed .5 horizontal footcandles at the property boundary line of these districts if they abut a residential district.

8.2 Measurement

Illumination (footcandles) and luminance (foot-lamberts) measurements shall be made with a cosine corrected photoelectric photometer having a spectral response corrected to the luminous efficiency curve established by the International Commission on Illumination. The meter shall be calibrated in accordance with the manufacturer's specifications and shall be operated according to the manufacturer's

directions. Luminance meters shall be operated at an aperture setting of 2 degrees in diameter.

Section 9. PERFORMANCE STANDARDS FOR HEAT

Any operation producing intense heat shall be conducted within the enclosed building or with other effective screening in such a manner as to be completely imperceptible from any point along or outside the lot lines.